G R S App F IX 4]

1948-49 (mk)

File No 11-48

Serial Nos 106/10

Previous References

~~1940~~ CS 40-34 (1-8, 11-14)

Later References

CM 2-49 (36/37)

GENERAL AND REVENUE SECRETARIAT

Serial Nos Two

P-24/E

Part B for August 1949

SUBJECT

Fines realised in Municipal Cases

h 1711/49 9 8 1949

To The Municipal Commissioner, Hyderabad (Thro' the President)

Copy to District Magistrate, Hyderabad

Directs that the proposal to credit fines ~~cannot~~ to the Municipal Funds cannot be accepted

Crediting of fines imposed Municipal
Cases to Municipal funds

Letter No C3-C144/47-48 dated the
13th Sept 1948 from the President, City Mc
Cl Cyprus on the subject

For reasons mentioned in the above letter
the Pdt, City Mc Cl Cyprus, requests Sanction
of Govt to the resolution of the Mc Cl dated
the 29th June 1948 to the effect that a request
be made to Govt to pay to the Mcty the entire
fines imposed and collected in all Mc cases
the Cyprus City Laws for orders

48 Pr 27 9 48 Nothing is seen from the
discussions in the refer file
just up (cf 40-34-6) that the
fines realized in municipal cases where being
credited to the Mcty the concerned
in accordance with rules no
6000-19/Ml 24-05-5 dy
18/1911
3 This arrangement was
introduced in Lo no P 873-7
Dts 40-34-6 dy 6/8/35

according to which all fines
realized in all cases are to be
created to Government. This is
done to ~~both~~ in respect of the
all Cases arising in Privy Purse
of this kind tried by ~~Secretaries~~
Stipendiary Magistrate in each of the three

(4) The President Bursar may, if
he has requested Lauchs to the written
of the Act stated in § 48 to the
effect that the entire fine imposed
collected in all ~~this~~ Municipal
cases in the city be paid to the
Mty of this proposal is needed
to, in the case of this city the same
will have to be made applicable to
The Municipality also

(5) The grounds on which the
request for the Bursar may act
is based are (1) That its finances
are very slender and by that

2219
Vol. 3

is proposed to appoint a separate prosecutor and pass legislation for conducting the MC cases for which money is required

6) In the civil state, Bangalore, ~~study~~ realized in such cases are credited to ML funds under sec 54 of the CrPC Act, it is stated that amongst other items the term "fine" is also mentioned as one of the items that go to make up the principal fund

In view of these facts, the request of the Hyderabad Metro Transfer is against policy & a matter of the principle enunciated for dated 6/8/35 (Hyd) But it appears to be a reasonable request

8) Transfer newspaper for 29 ?

9) What is the average amount of fines realised every year in the three municipalities

2219/W Bangalore City Income
City Court area? Is
it possible to get this information
for the past 3 years? So
this information may be obtained
from the Courts Concern or
Dist Magistrates or from wherever
it may be got easily

8
8/10
Sir
4/10/48

10) Submitted with Regd- letter to the District Magistrate Bangalore Urban & the President, Bangalore Municipal Commission Court Station Bangalore for info

11) Issue
10/10/48

DOR
9-10-48

Issued in WDL 3917-19 dt 16-10-48 to the District Magistrate Urban, Dist Magistrate Bangalore, Municipal Commissioner, Court Station Bangalore for furnishing the information

Sir

DOR
10/11/48

ML
3630
√3819

Crediting of fines realised in Municipal Cases to Municipal funds in Mysore City

7 Aug A) 1) Letter No A2-1449/48 dated the 9th November 1948 from the President, Municipal Commission Civil Station, Bangalore enclosing a statement showing the fines realised in Municipal cases in the Civil Station, Bangalore during 1945-46, 1946-47 & 1947-48

11 B) 2) Letter No G1-C 1894/48-49 dated the 9th November 1948 from the District Magistrate Mysore furnishing the above information for Mysore City

12) Submitted for perusal the information called for from the
C) District Magistrate Bangalore has not yet been received & will be awaited

Sd/ 22 11 48 13) Put up a demi reminder to the District Magistrate Bangalore for expediting the information

14) Submitted with a draft as desired
Sd/ 23/11/48

15) Draft sent to Secretariat
Issued on 26 11 48
24/11/48

Ml 5-060 — crediting of fines realised in Municipal Cases to Municipal funds in Mysore

6) Submitted with a D.O. reminder, 1/1 Some other (vide D.O. letter from Secretary) 15/12

15/12

Issued in ROC 6507 dated 15-12-48 to the District Magistrate, Bangalore (Urban)

15/12/48

D.O. Letter No 9756-J1/48-49 dated the 4th January 1949 from the District Magistrate Bangalore (Urban) furnishing the information called for re fines realised for the past three years in Bangalore City out of 112 cases

18) Information from the Civil Courts Bangalore & Mysore received from the Concerned Dt. Magistrates is as follows

	1945-46 Rs	1946-47 Rs	1947-48 Rs
1) Civil Stations Bangalore	37981	46,088	31,504
(II) Mysore Dt	870	2,155-	2,485-4
(III) Bangalore Dt	5047-4-0	5-114-8-0	8196-8

Submitted, with reference to Para 9 supra

11-1-49

5085

5060

19) The facts of the case are set forth in paras 2 to 7 supra

20) The information received in pursuance of the above mentioned instructions was forwarded to the Law Secretary

21) The Law Secretary may be consulted in the matter and request of the Supreme Court will be to consider the recategorisation proposed in all cases in the event of the principle is accepted, it would have to be made generally applicable to all the city units in the State

12/8/64

22) The Law Secretary may be consulted

Under Secy

Bombay

5/11/64

13/11/64

Crediting of fines realised in Municipal Cases to Municipal Funds

5085/Law

23) It is seen from the G o No Cls 873-77/Cls 40-34 dated 6-8-35 that in establishing a Second City Magistrate's Court at Mysore, for the trial of all cases under the Municipal Regulation the Govt had directed that the fines realised in Municipal Cases should be credited to Govt

24) The reasons for the transferring the fines realised in Municipal Cases, from the Hon from the "Municipal Funds" to the 'General Revenue' have been set forth in the paras 40 and 41 of the notes in the Collection Cls 40-34 placed below for reference It is seen therefrom that greater part of expenditure involved in the establishment of the Second City Magistrate's Court Mysore, would be met from the amounts of fine realised in the Municipal Cases

25) In case the fines amounts realised from the Municipal Cases on the file of the II City Magistrate Mysore were to be credited to the Municipal Funds, as desired by the

Crediting of fines realised from Municipal Cases to the Municipal Funds

File No 5085/Law of 194

General and Revenue Secretariat

Serial No "C"

26) President, City Municipality, Mysore the question of meeting the Cost of the Second City Magistrates Court Mysore will have to be Considered reconsidered.

~~It is for orders~~ Submitted for orders

13/4/49 CJM 4/5

27) The High courts may perhaps be consulted

Law Secy) fr 7/5

28) 1853 6/36 fr 8/5

29) The draft of a letter is submitted herewith

9/3/49 CJM 9/5

30) Secy fr 15/5

No 7598/Cls 147-48-1 dt 17-3-49

To The Regr H C

Forwards a copy of letter No C3 C 144/47 48 dt 13-9-48 from the president, City Municipal council, Mysore for furnishing the opinion of the H C in the matter

Secy A

28/4/49

WD 02853—GPB—30 000—11 5 48

Crediting of fines to realised in Municipal Cases ~~to~~ Municipal Funds 5085 / 8660 App of 194

Letter No ROC 877/48-49 dated 14/6/49 from the Registrar, High Court of Mysore furnishing the opinion in the matter

31) The High Court are of the opinion that the Municipal Revenues may be augmented by Government when necessary and that the Municipalities can have no claim to the fines imposed by Magistrates on the persons ~~whom~~ Convicted in Municipal Cases as these fines are credited to the Govt Treasury as any other fines Collected

32) The file may perhaps be returned to the Municipal Branch for needful action

OB 20/6/49 Chief 21/6

33) The High court is against the proposal & these rules may be complied

Law Secy)

fr 20/6

11734 20 JUN 1949 MYSORE

34) The fact that the resources of the municipalities are slender cannot be a reason for claiming the fines imposed on persons by magistrates All fines imposed by magistrates should go to the coffers of the State The request is unacceptable not only on principle but also financially

Dewan) 1884 28/6 fr 28/6

DEWAN'S OFFICE 23 JUN 1949 6044

35) Addl 29/6 1884 29/6 fr 29/6

36) The file may perhaps be returned to the Municipal Branch for needful action

OB 29/6/49 Chief 29/6

Addl Secy L S & wle) fr 29/6

506/MR

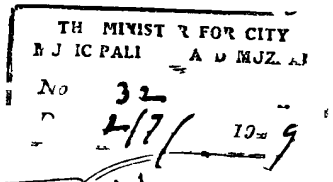
37) For perusal of the note at para 34 of the note and of the order of the Division Bench at para 35 of the present writ petition, wherein the petitioner has challenged the proposal

38) Submitted

Municipal City Manager (Karnataka Urban Development Authority)

39) Perused

27/7/09



40) Draft reply put up

41) Draft reply put up for approval. The learned Government Pleader may be instructed for filing objections in the writ petition

To

The Municipal Commissioner, Bangalore City Corporation (Mahadevapura Zone)
No. L 1711/Encl 11-48-07 & 9 others

The Deputy Secretary to Government, Housing Department
No. L 1712 dated 9.8.09

Sir,

I am directed to state that the proposal to create the posts in Municipal Cadres in the Municipal Corporations cannot be accepted

Mh. 11-48-106

Office of the President
City Municipal Council Mysore

No C3 c 144/47-48 Date 13-9-1948
Encl

GENERAL & REVENUE SECRETARIAT
16 SEP 1948
2219
MUNICIPAL BRANCH

16/9/48

From

P Sitaramiah Esq B A B L
PRESIDENT CITY MUNICIPAL COUNCIL
MYSORE

To

REVENUE SECT
I 15/9

Janab Syed Abdul Aleem, B A ,
Secretary to Government,
Revenue Department,
Bangalore

Sir,

Subject -Crediting of fines imposed in Municipal cases to Municipal Funds

Adverting to G O No 873-77/Cts 40-34-6 dated 6-8-1935 sanctioning the establishment of a II City Magistrate's Court at Mysore to try all cases under Municipal and Police Act, I have the honour to state that the question of appointing a Public Prosecutor for the Municipality has been engaging the attention of the Council for a considerable time and the recommendations the Council for sanctioning the post on a pay of Rs 100/- per mensem is pending orders of Government It was explained that in the letters written to Government in that connection that the necessity for a separate Prosecutor was absolutely necessary, in as much as the cases lodged in the courts were not being properly conducted by the Municipal staff either on account of proper development of the case or for want of evidence and many of them ended in acquittal which not only would cause financial loss to the Municipality, but also lower the prestige of the Municipality It was further stated that even in cases which were convicted, fines imposed were taken to Government credit under Courts of Law and not a pie was apportioned to the Municipality As the finances of the Municipality are very slender and the appointment of a Prosecutor as explained above is a dire necessity, the Council resolved at their budget meeting that in order that the pay of the Prosecutor so appointed may not be a burden on its slender income, the Government be requested to pay to the Municipality, the entir fines collected in respect of Municipal cases in the City

In enclosing a copy of the resolution on this benalf I request you kindly to obtain necessary orders of Government in the matter The favour of early compliance is requested

Kind reference is also invited to the penultimate sentence of this office letter No C 3 P 144/47-48 dated 4-9-48 in this connection

Yours faithfully,

PRESIDE—

Proceedings of the Special Adjourned General meeting of the Mysore City Municipal Council held in the Municipal Offices on Tuesda the 29th June 1948 at 5 P M

1118 Spl M C R No 380-A-31/17-6-48 Resolved that a recommendation may be made to the Council to request the Government to pay to the Municipality the entire fines imposed and collected in all Municipal cases in the City

Approved

Sd P Sitharamiah,
President

"COPY"
PRESIDENT

NOL 3917-9 (4 copies / only 3 typed)

Dated 16 10 48

To

(1) The District Magistrate
Bangalore
(2) The District Magistrate
Kolar
(3) The President, Municipal Council, Station, Bangalore

Subject Fines realised in Municipal Cases

Sir

I am directed to request you to be so good as to furnish as early as practicable a report showing the total amount of fines realised from Municipal Cases launched before the Magistrate for the last three years (1945-46, 1946-47 & 1947-48)

(1) Blue cyclostyled
(2) typewritten
(3) Civil Station Bangalore)

STATEMENT SHOWING THE FINES REALISED IN MUNICIPAL CASES

Head of Account	1945-46 Rs as ps	1946-47 Rs as ps	1947 Rs as ps
Service Account - Ordinary			
B Communications -			

3630/and

No A 2-1449/43

Office of the Municipal Commission,
Civil Station, Bangalore,
dated the 19th November 1943

From

The President, Municipal Commission,
Civil Station, Bangalore

To

The Secretary to the
Government of His Highness the Maharaja of Mysore,
Revenue Department, BANGALORE

Sir,

Subject - Fines realised in
Municipal cases

With reference to your letter No L 3917/9 dated the 16th October 1943, I enclose herewith a statement as desired

Yours faithfully,

9/11

President, M C

MVL
9-11-43

STATEMENT SHOWING THE FINES REALISED IN MUNICIPAL CLASS

Head of Account	1945-46 Rs as ps	1946-47 Rs as ps	1947-48 Rs as ps
Service Account - Ordinary B Communications - 4 Roads in general C Fines	22,130- 0-0	30,433- 0-0	17,910- 0- 0
Service Account - D Public Health Ordinary (11) Preventive Medicines 3 Sanitation C Food Adulteration Fines	15,845- 0-0	15,605- 0-0	13,583- 0- 0
Total	Rs 37,981- 0-0	46,033- 0-0	31,504- 0-0

President, M.C

MVL
9-11-43

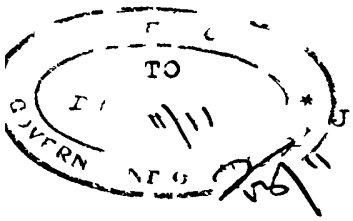
No G1 C 1894/48-49 8

OFFICE OF THE DISTRICT MAGISTRATE
MYSORE DISTRICT

Mysore, dated the 9th November 48

FROM

SRI GEORGE MATTHAN, B Sc ,
Deputy Commissioner,& Dist Magistrate,
Mysore District



TO

JANAB SYED ABDUL ALEEM, B A ,
Secretary to Government,
Revenue Department, Bangalore

Sir,

With reference to your letter No L 3917-9 dated 16-9-48 calling for the total amount of fines realised in Municipal Cases in the years 45-46, 46-47 and 47-48 in Mysore City, I write to state that the marginally noted amounts were realised in the courts of the I and II City Magistrates of Mysore for Mysore City

Yours faithfully,

for DISTRICT MAGISTRATE,
MYSORE DISTRICT

BNS/-

	45-46	46-47	47-48
City Court	553-0-0	1432-0-0	1505-0-0
II City Court	317-0-0	723-0-0	949-8-0
	870-0-0	215-0-0	2454-8-0

==

This is received from the I & C Br on a Sericulture Sec'n file & What is it? Does this not pertain to Rel Br?

Mr HN

18/11

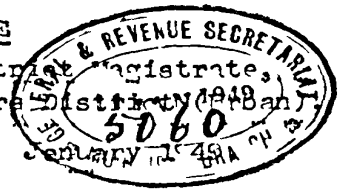
8

18/11

C F No 46]
No 19756 256-J1-48-49
Encls 1

GOVERNMENT OF MYSORE

OFFICE OF the District Magistrate, Bangalore District (Urban)



Date 4th January 1949

To

The Secretary to the Government of H H the Maharaja of Mysore,
Revenue Department, Bangalore

Sir

Sub Fines realised in Municipal Cases

With reference to your letter No L 3917-C dated the 16th September 1948 re the above subject, I enclose herewith a copy of letter No 153/48-49 dated 9th November 1948 from the 2nd City Magistrate, Bangalore which furnishes the particulars called All cases under the Municipal Regulation are being filed in the Court of the 2nd City Magistrate, Bangalore only

Yours faithfully,
4/1/49
DISTRICT MAGISTRATE

No 153 /48-49 Office of the Second City Magistrate,
Bangalore City, Dated 9th Novr 1948

10

From

The Second City Magistrate,

Bangalore City

To

The District Magistrate,

Bangalore District (Urban), Bangalore

Sir,

With reference to your letter No 9756-JI-48-49 dated nil received in this office on 5-11-48 calling for particulars the amounts of fines realised from Municiapl Cases launched before this court for the last three years i e 1945-46, 1946-47 and 1947-48, I have the honor to enclose herein a statement of fines realised from the Municipal cases All cases under Municiapl Regulation are being filed in this Court only

Yours faithfully,

Sd/- S N Anantharaj
Second City Magistrate,
Bangalore

Fine amount credited to Treasury

1946-47	Rs 5047 -4 -0
1946-47	5114 -8 -0
1947-48	8194 -8 -0

" Copy

Second City Magistrate,
Bangalore 29/12

75-98/CS 147-48-1
dated 14 3 49

To

The Registrar
High Court of Mysore

Sir

I am directed to forward herewith a copy of letter No C3 C 144/47-48 dated 13-9-1948 from the President, City Municipal Council Mysore, ~~requesting~~ recommending ~~in the circumstances therein mentioned~~ that Crediting of the fines collected in Municipal Cases ~~of which the City~~ to Municipal funds under the Circulars ~~of~~ it be the head "Courts of Law" as ~~to be levied~~ - to being followed ~~done~~ at present, and to request that Govt may kindly be furnished with the opinion of

re the matter of Crediting of fines collected in respect of Municipal Cases in the Mysore city to the Municipal funds

8660 Law

R O C No 877/48-49
~~D Dis~~

HIGH COURT OF MYSORE
Public Office Buildings Cubbon Park

Bangalore 11th June *194*9

14

From

SECRETARY LAW DEPT * GOVT OF MYSORE 14 JUN 1949

SRI J RUDRAPPA MA LLB
Registrar High Court of Mysore

To

Sri B S Puttaswamy, B A ,B L ,
Legal Remembrancer and Secretary
to Government,Law Department,
B a n g a l o r e

Sir

Advertiing to your letter No 7598/Cts 147-48-1 dated 17th March 1949 forwarding a copy of letter No C3-C 144/47-48 dated 13-9-48 from the President City unicipal Council Mysore in the matter of crediting of fines collected in respect of Municipal cases in the Mysore City to the Municipal funds and requesting to furnish the opinion of the High Court, I am directed to state that the fines must go to the Government Treasury like all other fines imposed by the Magistrates Municipal revenues may whenever needed be augmented by Government grants but the Municipalities can have no claim to the fines imposed by Magistrates on those whom they convict The question has to be examined in detail and if there are any vagaries the same has to be rectified

Yours faithfully,

Registrar

C L

Appendix F G—1] NO 4 15

SUBJECT Crediting the amount of Rs fines imposed in Municipal Cases to Municipal funds

Section MR copy
File No 11-48
Serial No 107

Diary No of letter replied to

No L 1711/MR11-48-107 9/8/49

To The Mun Commr, Mysore City (thro the President)

General and Revenue Secretariat

( )

the *194*

Sir,

With reference to the President's No C3 C 1164/47-48 dated 13 9-48 on the above subject I am directed to state that the Govt are unable to accept the proposal of the Mysore City Municipal Council that the amount of the fines imposed in Municipal Cases should be credited to the funds of the Municipality

Yours faithfully
for Secy to Govt
Genl Depts

Date of issue 9 8 49

Signed by S G N Rao

List of enclosures

Copied by L 1712/MR 9/8

Examined by

Copy to the ~~Mun President~~ DSR
Municipal Commr, Mysore DSR for
MR
for Secy to Govt

WD 04703—GPB—1,000—28 4 48